UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,946	11/30/2001	Bryce A. Jones	1632	5804

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EXAMINER
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ART UNIT	PAPER NUMBER
3694	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/997,946	JONES ET AL.
	Examiner	**Art Unit**	
	Shahid R. Merchant	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>25 May 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-32</u> is/are pending in the application.

    4a) Of the above claim(s) <u>25</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-24 and 26-32</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>25 May 2007</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Status of the Claims

1.   This action is in response to the amendment filed on May 25, 2007. Claims 1-24

and 26-32 are pending. Claim 25 has been canceled. Claims 1, 5, 6, 10, 11, 12, 13,

15, 16, 17, 18, 23, 28, 30 and 31 are amended.

Response to Arguments

2.   **Denial of Priority Claim**- Applicant's arguments filed May 25, 2007 have been

fully considered but they are not persuasive. Applicant has not proven that contents of

application 09/708,836 would enable one of ordinary skill in the art to make or use the

invention in current application 09/997946. Therefore, although application 09/997946

is a CIP of application 09/708,836, it will not receive the CIP filing date of November 8,

2000. Application 09/997946 will receive filing date of November 30, 2001.

3.   **Objection to the Drawings**- Objection to drawings has been withdrawn.

Drawings submitted on May 25, 2007 have been accepted.

4.   **Rejection of Claims 10 and 28 under 35 USC 112**- Rejections under 35 USC

112 for claims 10 and 28 has been withdrawn.

5.   **Rejection of Claims 1, 2 and 4-11 under 35 USC 102(b)**- Applicant's

arguments filed May 25, 2007 regarding claims 1, 2 and 4-11 have been fully

considered but they are not persuasive. Applicant fails to demonstrate how a

communications network is different than a data network. A communications network

and a data network are <u>equivalent</u>. Further, Lesley teaches on page 15, lines 18-19

and page 16, lines 8-12 that if there is not enough money in the prepaid account, then the user is prompted to add more value to their account.

6.   **Rejection of Claim 12 under 35 USC 102(b)-** Applicant's arguments with respect to claim 12 have been considered but are moot in view of the new ground(s) of rejection. See below.

7.   **Rejection of Claim 3 under 35 USC 103(a)-** Applicant's arguments filed May 25, 2007 have been fully considered but they are not persuasive. Lesley teaches a telecommunications network for prepaid data services (see abstract and Figure 1). Berry teaches a data network in which a user can select a level of service for example a certain bandwidth (see page 14, lines 6-16).

8.   **Rejection of Claims 13-16, 18-21, 23, 24 and 26-30 under 35 USC 103(a)-** Applicant's arguments filed May 25, 2007 have been fully considered but they are not persuasive. Lesley teaches a communications system which is equivalent to a data network. In addition, Lesley teaches a gateway to a prepaid access point where one can pay for prepaid services or add additional value to their account. Lesley teaches the automatic redirection to a self-service portal on page 15, lines 28-30).

9.   **Rejection of Claims 17, 22, 31 and 32 under 35 USC 103(a)-** Applicant's arguments filed May 25, 2007 have been fully considered but they are not persuasive. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Priority

10.   Examiner has given consideration to applicant's co-pending U.S. Patent

Application No. 09/708,836 filed on November 8, 2000. For examining purposes of this

application, the effective filing date will be <u>November 30, 2001</u>, because the contents of

application 09/708,836 would not enable one of ordinary skill in the art to make or use

the invention in current application, 09/997,946. Therefore, consideration for priority to

November 8, 2000 is denied.

Claim Rejections - 35 USC § 102

11.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12.   Claims 1,2 and 4-11 rejected under 35 U.S.C. 102(b) as being anticipated by

Lesley, WO 98/21874 (see attached PTO-892, Ref. N).

13.   As per claim 1, Lesley teaches a method for providing prepaid data service to a

subscriber terminal in a communications network coupled by a gateway to a data

network, the method comprising:

making a determination of whether a balance of a prepaid account of a

corresponding subscriber for the data service meets a threshold (see page 15, lines 15-

18);

if the determination is that the balance of the prepaid account does not meet the

threshold, then passing traffic to a requested destination in the data network(see page

15, lines 18-22)

if the determination is that the balance of the prepaid account meets the

threshold, then redirecting the traffic to a self-service portal (see page 15, lines 18-19

and page 16, lines 8-12); and

adding value to the balance of the prepaid account at the self-service portal using

the subscriber terminal (see page 16, lines 8-17).

14.   As per claim 2, Lesley teaches the method of claim 1 as described above.

Lesley further teaches wherein making the determination of whether the balance of the

prepaid account meets a threshold comprises comparing the balance of the prepaid

account to the threshold (see page 15, lines 24-30).

15.   As per claim 4, Lesley teaches the method of claim 1 as described above.

Lesley further teaches further comprising sending an alert to the subscriber terminal, the

alert providing a notification of prepaid data access available to the subscriber terminal

(see page 15, lines 27-30 and page 16, lines 8-12).

16.   As per claim 5, Lesley teaches the method of claim 1 as described above.

Lesley further teaches further comprising:

        establishing a data communication session with a subscriber terminal (see page

14, lines 25-28); and

        directing the traffic from the subscriber terminal to the self-service portal in

response to establishing the communication session (see page 14, lines 28-30 and

page 15, lines 1-13).

17.   As per claim 6, Lesley teaches the method of claim 1 as described above.

Lesley further teaches further comprising:

        establishing a data communication session with a subscriber terminal over an air

interface (see page 8, lines 4-12, page 14, lines 28-30 and page 15, lines 1-13),

        whereby the traffic is received from the subscriber terminal (see page 14, lines

28-30 and page 15, lines 1-13).

18.   As per claim 7, Lesley teaches the method of claim 1 as described above.

Lesley further teaches wherein a counter represents the balance of the prepaid account,

the method further comprising adjusting the counter as the traffic passes to the

requested destination (see page 15, lines 24-27 and page 16, lines 1-7).

19.   As per claim 8, Lesley teaches the method of claim 1 as described above.

Lesley further teaches further comprising:

subscribing to a billing server to determine the balance of the prepaid account

(see page 3, lines 15-16); and

receiving an indication of the balance of the prepaid account from the billing

server (see page 3, lines 17-22).

20.   As per claim 9, Lesley teaches the method of claim 8 as described above.

Lesley further teaches wherein the indication is whether the balance of the prepaid

account meets the threshold (see page 3, lines 21-22).

21.   As per claim 10, Lesley teaches the method of claim 8 as described above.

Lesley further teaches further comprising polling the billing server for the indication of

the balance of the prepaid account (see page 13, lines 19-24, page 14, lines 25-28 and

page 15, lines 15-18).

22.   As per claim 11, Lesley teaches a method of providing prepaid data service to a

subscriber terminal I a communications network coupled by a gateway to a data

network, the method comprising:

establishing a communication session with the subscriber terminal (see page 8,

lines 4-12, page 14, lines 28-30 and page 15, lines 1-13);

making a determination of whether the balance of a prepaid account of a

corresponding subscriber for the data service meets a threshold (see page 3, lines 21-

22);

if the determination is that the balance of the prepaid account does not meet the

threshold, then passing traffic from the subscriber terminal to a requested destination in

the data network (see page 15, lines 18-22);

if the determination is that the balance of the prepaid account meets the

threshold, then redirecting the traffic from the subscriber terminal to a self-service portal

(see page 15, lines 18-19 and page 16, lines 8-12); and

providing an account number to the self service portal using the subscriber

terminal to add value to the balance of the prepaid account (see page 14, line 30 and

page 15, lines 1-2).

Claim Rejections - 35 USC § 103

23.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

24.   Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley, WO

98/21874 (see attached PTO-892, Ref. N) in view of Berry, WO 99/56254 (see attached

PTO-892, Ref. O).

25.   As per claim 3, Lesley teaches the method of claim 1 as described above.

Lesley does not explicitly teach comprising selecting a level of prepaid data access to a

data network.

Berry teaches selecting a level of prepaid data access to a data network (see

page 14, paragraph 2).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art

at the time of the invention to combine the teachings of Lesley and Berry to select a

level of access on a data network because it allows a user to select and pay accordingly

for certain bandwidth for applications like video conferencing as taught by Berry (see

page 14, paragraph 2).

26.   Claim 12 rejected under 35 U.S.C. 102(b) as being anticipated by Taskett, U.S.

Patent No. 5,991,748 (see attached PTO-892, Ref. A) in view of Sprint PCS Services

(see attached PTO-892, Ref. U). Hereinafter Sprint.

27.   As per claim 12, Lesley teaches a method for providing first prepaid data service

to a subscriber terminal in a communications network coupled by a gateway to a data

network, the method comprising:

making a first determination of whether a balance of a prepaid account of a

corresponding subscriber for the first data services meets a first threshold determined in

response to the first data service (see column 7, lines 51-62);

if the first determination is that the balance of the prepaid account does not meet

the first threshold, then passing traffic to a first requested destination in the data

network corresponding to the first data service (see column 7, lines 51-62);

Lesley does not explicitly teach the concept of a second data service being used

with a first data service.

Sprint teaches the concept of a second data service being used with a first data

service (see Ref. U).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art

at the time of the invention to combine the teachings of Lesley and Sprint to modify the

Lesley invention to utilize more then one data service at the same time because it would

allow a user to do three-way calling with two other people as taught by Sprint (see Ref.

U).

28.   Claim 13-16, 18-21 and 23-24 and 26-30 rejected under 35 U.S.C. 103(a) as

being unpatentable over Lesley, WO 98/21874 (see attached PTO-892, Ref. N) in view

of Moore et al., U.S. Patent Application Publication 2002/0046255 (see attached PTO-

892, Ref. B).

29.   As per claim 13, Lesley teaches a system for providing prepaid data service to a

subscriber of a communications network comprising:

a subscriber terminal coupled to the communications network(see page 7, line 30 and page 8, lines 1-8);

a data network (Figure 1, item 12)

a data gateway coupling the communications network (see page 8, lines 21-30 and page 9, lines 16-30);

wherein the data gateway comprises a processor, a memory, and computer instructions stored in the memory and executable by the processor for:

passing traffic from the subscriber terminal to a requested destination in the data network if a balance of a prepaid account of the subscriber for the data service does not meet a threshold (see page 15, lines 18-22); and

redirecting the traffic to the web server if the balance of the prepaid account meets the threshold (see page 15, lines 18-19 and page 16, lines 8-12); and

wherein a server comprises a processor, a memory, and computer instructions stored in the memory and executable by the processor for:

adding value to the balance of the prepaid account in response to the balance of the prepaid account meeting the threshold (see page 16, lines 12-17).

Lesley does not explicitly teach the system comprising of a web server coupled to the data gateway.

Moore teaches the system comprising of a web server coupled to the data gateway (see paragraphs 26 and 27).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art

at the time of the invention to combine the teachings of Lesley and Moore to utilize a

web-server because it allows outside system operators, like online retailers, to utilize

the web-server to brand their own prepaid services using the web-server as taught by

Moore (see abstract).

30.   As per claim 14, Lesley and Moore teach the system of claim 13. Lesley further

teaches wherein a determination of whether the balance of the prepaid account meets

the threshold comprises comparing the prepaid account to the threshold (see page 3,

lines 21-22).

31.   As per claim 15, Lesley and Moore teach the system of claim 13. Lesley further

teaches further comprising a policy decision point, the policy decision point having a

processor, a memory, and computer instructions stored in the memory and executable

by the processor for comparing the balance of the prepaid account to the threshold to

determine whether the balance of the prepaid account meets the threshold (see page 3,

lines 21-22).

32.   As per claim 16, Lesley and Moore teach the system of claim 13. Lesley does

not explicitly teach further comprising a self-service portal residing on the web server.

Moore teaches comprising a self-service portal residing on the web server (see

paragraphs 26 and 27).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Lesley and Moore to have the self-service portal reside on a web-server because it allows outside system operators, like online retailers, to utilize the web-server to brand their own prepaid services using the web-server as taught by Moore (see abstract).

33.   As per claim 18, Lesley and Moore teach the system of claim 13. Lesley further teaches wherein the data gateway comprises computer instructions stored in the memory and executable by the processor for directing the traffic from the subscriber terminal to the web server in response to a communication session being established with the subscriber terminal (see page 14, lines 28-30 and page 15, lines 1-13).

34.   As per claim 19, Lesley and Moore teach the system of claim 13. Lesley further teaches wherein the data gateway comprises an entity selected from the group consisting of a PDSN, an MSC, an IWF, a WAP server, and a switch (see page 8, lines 21-27).

35.   As per claim 20, Lesley and Moore teach the system of claim 13. Lesley further teaches wherein the policy decision point comprises an entity selected from the group consisting of a service agent, a service control point, and a network capabilities gateway (see page 9, lines 16-30).

36.   As per claim 21, Lesley and Moore teach the system of claim 13. Lesley further teaches wherein the data gateway further comprises computer instructions stored in memory and executable by the processor for sending an alert to the subscriber terminal, the alert providing a notification of prepaid access available to the subscriber terminal (see page 15, lines 27-30 and page 16, lines 8-12).

37.   As per claim 23, Lesley and Moore teach the system of claim 13. Lesley further teaches wherein (i) the subscriber terminal transmits the traffic over an air interface to an access gateway and (ii) the access gateway is coupled to the data gateway by the communication network (see page 8, lines 4-12).

38.   As per claim 24, Lesley and Moore teach the system of claim 13. Lesley further teaches wherein the subscriber terminal is a wireless terminal (see page 8, lines 4-8).

39.   As per claim 26, Lesley and Moore teach the system of claim 13. Lesley further teaches further comprising:

a billing server (see Figure 1, items 40, 42 and 44); and

the data gateway further comprising computer instructions stored in the memory and executable by the processor for:

subscribing to the billing server to determine the balance of the prepaid account (see page 3, lines 15-16); and

receiving an indication of the balance of the prepaid account from the billing

server (see page 3, lines 17-22).

40.   As per claim 27, Lesley and Moore teach the system of claim 13. Lesley further

teaches wherein the indication is whether the balance of the prepaid account meets the

threshold (see page 3, lines 21-22).

41.   As per claim 28, Lesley and Moore teach the system of claim 13. Lesley further

teaches wherein the data gateway further comprises computer instructions for polling

the subscriber terminal for the indication of the balance of the prepaid account (see

page 13, lines 19-24, page 14, lines 25-28 and page 15, lines 15-18).

42.   As per claim 29, Lesley and Moore teach the system of claim 13. Lesley further

teaches wherein a counter representing the balance of the prepaid account is adjusted

as traffic passes to the requested destination (see page 15, lines 24-27 and page 16,

lines 1-7).

43.   As per claim 30, Lesley teaches a system for providing prepaid data service to a

subscriber of a communications network comprising:

        means for making a determination of whether the balance of a prepaid account of

a corresponding subscriber for the data service meets a threshold (see page 15, lines

15-18);

means for passing traffic to a requested destination in a data network separate

from the communications network if the determination is that the balance of the prepaid

account does not meet the threshold (see page 15, lines 18-22); and

means for redirecting the traffic to a self-service portal if the determination is that

the balance of the prepaid account meets the threshold (see page 15, lines 18-19 and

page 16, lines 8-12).

44.   Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley,

WO 98/21874 (see attached PTO-892, Ref. N) and Moore et al., U.S. Patent Application

Publication 2002/0046255 (see attached PTO-892, Ref. B) as applied to claim 13

above, and further in view of Berry, WO 99/56254 (see attached PTO-892, Ref. O).

45.   As per claim 17, Lesley and Moore teach the system of claim 13 as described

above. Lesley and Moore do not explicitly teach wherein the web server further

comprises computer instructions for selecting a level of prepaid data service.

Berry teaches wherein the web server further comprises computer instructions

for selecting a level of prepaid data service (see page 14, paragraph 2).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art

at the time of the invention to combine the teachings of Lesley and Berry to select a

level of access on a data network because it allows a user to select and pay accordingly

for certain bandwidth for applications like video conferencing as taught by Berry (see

page 14, paragraph 2).

46.   Claim 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley,

WO 98/21874 (see attached PTO-892, Ref. N) and Moore et al., U.S. Patent Application

Publication 2002/0046255 (see attached PTO-892, Ref. B) as applied to claim 21

above, and further in view of Taskett, U.S. Patent No. 5,991,748 (see attached PTO-

892, Ref. A).

47.   As per claim 22, Lesley and Moore teach the system of claim 21 as described

above. Lesley and Moore do not explicitly teach wherein the alert is selected from the

group consisting of a text message and a voice message.

Taskett teaches wherein the alert is selected from the group consisting of a text

message and a voice message (see column 7, lines 63-65).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art

at the time of the invention to combine the teachings of Lesley and Moore and Taskett

to give a user a verbal warning that time is running low because it allows the user to

recharge the account without getting disconnected as taught by Taskett (see column 2,

lines 39-52 and column 8, lines 12-18).

48.   Claim 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley,

WO 98/21874 (see attached PTO-892, Ref. N) in view of Sprint PCS Services (see

attached PTO-892, Ref. U). Hereinafter Sprint.

49.   As per claim 31, Lesley teaches a system for providing first prepaid data services

to a subscriber of a communications network comprising:

a subscriber terminal coupled to the communications network (see page 15, lines

18-19 and page 16, lines 8-12);

a data network (see Figure 1, item 12)

a data gateway coupling the communications network to the data network (see

page 8, lines 21-30 and page 9, lines 16-30);

wherein the data gateway comprises a processor, memory, and computer

instructions stored in the memory and executable by the processor for:

passing traffic to a first requested destination corresponding to the first data

service in the data network if a balance of a prepaid account of a corresponding

subscriber does not meet a first threshold (see page 15, lines 18-22).

monitoring the use of the first data service until a predetermined credit expires

(see page 15, lines 22-30)

notifying the first data services that the predetermined credit expires

redirecting the traffic to a self-service portal when the predetermined credit

expires;

Lesley does not explicitly teach passing traffic to a second requested destination

corresponding to the second data service in the data network if a balance of the prepaid

account does not meet a second threshold, monitoring the second service until a

predetermined credit expires.

Sprint teaches passing traffic to a second requested destination corresponding to the second data service in the data network, monitoring the second data service (see Ref. U).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Lesley and Sprint to pass traffic to a second data service, monitor the second data service and notify the user when credit is low or has expired because it would allow a user to utilize to two or more data services simultaneously as taught by Sprint (see Ref. U).

50.   Claim 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley, WO 98/21874 (see attached PTO-892, Ref. N) and Sprint PCS Services (see attached PTO-892, Ref. U).as applied to claim 31 above, and further in view of Moore et al., U.S. Patent Application Publication 2002/0046255 (see attached PTO-892, Ref. B).

51.   As per claim 32, Lesley and Sprint teach the system of claim 31 as described above. Lesley and Sprint do not explicitly teach wherein the data gateway is a WAP server.

Moore teaches wherein the data gateway is a WAP server (see paragraphs 26 and 27).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Lesley, Taskett and Moore to utilize a

WAP server as a data gateway because it allows individual end-users having a web

browser to access the system as taught by Moore (see paragraph 26).

Conclusion

52.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shahid R. Merchant whose telephone number is 571-

270-1360. The examiner can normally be reached on First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James P. Trammel can be reached on 571-272-6712. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SRM

ELLA COLBERT
PRIMARY EXAMINER